

FIRST REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 84

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PURGASON.

Pre-filed December 2, 2008, and ordered printed.

Read 2nd time January 22, 2009, and referred to the Committee on Transportation.

Reported from the Committee February 19, 2009, with recommendation that the bill do pass.

Taken up for Perfection February 25, 2009. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

0559S.01P

AN ACT

To amend chapter 227, RSMo, by adding thereto three new sections relating to designation of state highways and bridges.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 227, RSMo, is amended by adding thereto three new sections, to be known as sections 227.295, 227.297, and 227.368, to read as follows:

227.295. 1. The department of transportation shall establish and administer a drunk driving risk reduction awareness program. The provisions of this section shall be known as "David's Law". The signs shall be placed upon the state highways in accordance with this section, placement guidelines adopted by the department, and any applicable federal limitations or conditions on highway signage, including location and spacing.

2. The department shall adopt, by rules and regulations, program guidelines for the application for and placement of signs authorized by this section, including, but not limited to, the sign application and qualification process, the procedure for the dedication of signs, and procedures for the replacement or restoration of any signs that are damaged or stolen. The department shall also establish by rule, application procedures and methods for proving eligibility for the program.

3. Any person may apply to the department of transportation to sponsor a drunk driving victim memorial sign in memory of an

18 immediate family member who died as a result of a motor vehicle
19 accident caused by a person who was shown to have been operating a
20 motor vehicle in violation of section 577.010 or 577.012, RSMo, or was
21 committing an intoxication-related traffic offense at the time of the
22 accident. Upon the request of an immediate family member of the
23 deceased victim involved in a drunk driving accident, the department
24 shall place a sign in accordance with this section. A person who is not
25 a member of the immediate family may also submit a request to have
26 a sign placed under this section if that person also submits the written
27 consent of an immediate family member. The department shall charge
28 the sponsoring party a fee to cover the department's cost in designing,
29 constructing, placing, and maintaining that sign, and the department's
30 costs in administering this section. Signs erected under this section
31 shall remain in place for a period of ten years. After the expiration of
32 the ten-year period, the department shall remove the sign unless the
33 sponsoring party remits to the department of transportation a ten-year
34 renewable fee to cover maintenance costs associated with the sign.

35 4. The signs shall feature the words "Drunk Driving Victim!", the
36 initials of the victim, the month and year in which the victim of the
37 drunk driving accident was killed, and the phrase "Who's Next?". The
38 overall design of the sign, including size, color, and lettering, shall
39 conform to the guidelines and regulations established by the
40 department. The signs shall be placed near the scene of the accident.

41 5. All roadside memorials or markers commemorating the death
42 of a drunk driving victim not meeting the provisions of this section are
43 prohibited. No person, other than a department of transportation
44 employee or the department's designee, may erect a drunk driving
45 victim memorial sign.

46 6. As used in this section, the term "immediate family member"
47 shall mean spouse, child, stepchild, brother, stepbrother, sister,
48 stepsister, mother, stepmother, father, or stepfather.

49 7. The department shall adopt rules and regulations to
50 implement and administer the provisions of this section. Any rule or
51 portion of a rule, as that term is defined in section 536.010, RSMo, that
52 is created under the authority delegated in this section shall become
53 effective only if it complies with and is subject to all of the provisions
54 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This

55 section and chapter 536, RSMo, are nonseverable and if any of the
56 powers vested with the general assembly pursuant to chapter 536,
57 RSMo, to review, to delay the effective date, or to disapprove and annul
58 a rule are subsequently held unconstitutional, then the grant of
59 rulemaking authority and any rule proposed or adopted after August
60 28, 2009, shall be invalid and void.

227.297. 1. This section establishes an interstate interchange
2 designation program, to be known as the "Heroes Way Interstate
3 Interchange Designation Program", to honor the fallen Missouri heroes
4 who have been killed in action while performing active military duty
5 with the armed forces in Afghanistan or Iraq on or after September 11,
6 2001. The signs shall be placed upon the interstate interchanges in
7 accordance with this section, and any applicable federal limitations or
8 conditions on highway signage, including location and spacing.

9 2. Any person who is related by marriage, adoption, or
10 consanguinity within the second degree to a member of the United
11 States armed forces who was killed in action while performing active
12 military duty with the armed forces in Afghanistan or Iraq on or after
13 September 11, 2001, and who was a resident of this state at the time he
14 or she was killed in action, may apply for an interstate interchange
15 designation under the provisions of this section.

16 3. Any person described under subsection 2 of this section who
17 desires to have an interstate interchange designated after his or her
18 family member shall petition the department of transportation by
19 submitting the following:

20 (1) An application in a form prescribed by the director,
21 describing the interstate interchange for which the designation is
22 sought and the proposed name of the interstate interchange. The
23 application shall include the name of at least one current member of
24 the general assembly who will sponsor the interstate interchange
25 designation. The application may contain written testimony for
26 support of the interstate interchange designation;

27 (2) Proof that the family member killed in action was a member
28 of the United States armed forces and proof that such family member
29 was in fact killed in action while performing active military duty with
30 the United States armed forces in Afghanistan or Iraq on or after
31 September 11, 2001. Acceptable proof shall be a statement from the

32 Missouri veterans commission or the United States Department of
33 Veterans Affairs so certifying such facts;

34 (3) By signing a form provided by the Missouri transportation
35 department, the applicant shall certify that the applicant is related by
36 marriage, adoption, or consanguinity within the second degree to the
37 member of the United States armed forces who was killed in action; and

38 (4) A fee to be determined by the commission to cover the costs
39 of constructing and maintaining the proposed interstate interchange
40 signs. The fee shall not exceed the cost of constructing and
41 maintaining each sign.

42 4. All moneys received by the department of transportation for
43 the construction and maintenance of an interstate interchange signs
44 shall be deposited in the state treasury to the credit of the state road
45 fund.

46 5. The documents and fees required under this section shall be
47 submitted to the department of transportation.

48 6. The department of transportation shall submit for approval or
49 disapproval all applications for interstate interchange designations to
50 the joint committee on transportation oversight. The joint committee
51 on transportation oversight may review such applications at any
52 scheduled meeting convened pursuant to section 21.795, RSMo. If
53 satisfied with the application and all its contents, the committee shall
54 approve the application. The committee shall notify the department of
55 transportation upon the approval or denial of an application for an
56 interstate interchange designation.

57 7. The department of transportation shall give notice of any
58 proposed interstate interchange designation under this section in a
59 manner reasonably calculated to advise the public of such
60 proposal. Reasonable notice shall include posting the proposal for the
61 designation on the department's official public website and making
62 available copies of the sign designation application to any
63 representative of the news media or public upon request and posting
64 the application on a bulletin board or other prominent public place
65 which is easily accessible to the public and clearly designated for that
66 purpose at the principal office.

67 8. If the memorial interstate interchange designation request is
68 not approved by the joint committee on transportation oversight,

69 **ninety-seven percent of the application fee shall be refunded to the**
70 **applicant.**

71 **9. Two signs shall be erected for each interstate interchange**
72 **designation processed under this section.**

73 **10. No interstate interchange may be named or designated after**
74 **more than one member of the United States armed forces killed in**
75 **action. Such person shall only be eligible for one interstate**
76 **interchange designation under the provisions of this section.**

77 **11. Any highway signs erected for any interstate interchange**
78 **designation under the provisions of this section shall be erected and**
79 **maintained for a twenty-year period. After such period, the signs shall**
80 **be subject to removal by the department of transportation and the**
81 **interstate interchange may be designated to honor persons other than**
82 **the current designee. An existing interstate interchange designation**
83 **processed under the provisions of this section may be retained for**
84 **additional twenty-year increments if, at least one year before the**
85 **designation's expiration, an application to the department of**
86 **transportation is made to retain the designation along with the**
87 **required documents and all applicable fees required under this section.**

227.368. The bridge crossing over Interstate 44 on Business Loop
2 **44 at exit 127 in Laclede County shall be designated the "Specialist**
3 **James M. Finley Memorial Bridge". The department of transportation**
4 **shall erect and maintain appropriate signs designating such**
5 **highway. The costs of such designation shall be paid for by private**
6 **donations.**

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